

would authorize both the Secretary of the Interior and Secretary of Agriculture to charge a reasonable fee for commercial filming activities on federal lands in their jurisdiction. The fee will be based on a number of criteria including; the number of days the filming takes place within the areas, the size of the film crew and the amount and type of equipment used. The agencies would also be directed to recover any costs incurred as a result of filming activities such as administrative and personnel costs. All of the fees charged for film activities would stay at the site where they are collected.

We have also included language in this bill to address the issue of still photography on public lands. As we worked to craft the parks bill last year, we heard from a large number of still photographers who were worried about the impact this legislation would have on them. In order to address those concerns, we have included language in our bill exempting still photography unless the agency determines that this activity will disrupt the public's use and enjoyment of the resource. I believe this is a fair way to address this question.

Mr. President, the time has come to establish a film fee system on our nation's public lands that is sensible and understandable. Once again, I want to stress that this bill is not designed to punish the film industry. Instead, this measure will benefit both the public and the film industry by establishing simple and understandable system for operating on federal lands. Establishing a sound fee system for filming on public lands can be a "win-win" for the public and the film industry and I hope the Senate will take quick action on this important measure.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. GRAMS):

S. 569. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

THE FARM INDEPENDENCE ACT OF 1999

Mr. GRASSLEY. Mr. President, today, along with Senators CONRAD and GRAMS of Minnesota, I am introducing a bill to exempt certain farm rental income from the self-employment tax.

The self-employment tax has been applied equally to farmers and other business people for the last 40 years. Our bill would ensure equality in the future. It states that farm landlords should be treated the same as small business people and other commercial landlords, and they should not have to pay self-employment tax on cash rent income.

The current law is drafted to ensure that self-employment tax applies to income from labor or employment. Farm landlords were only taxed when they participated in the operation of the farm. Income from cash rent represents

the value of ownership or equity in land, not labor or employment. Therefore, the self-employment tax should not apply to income from cash rent. Yet, this is not the way that the Internal Revenue Service drafted its technical advice memorandum on this matter. This has resulted in farmers and retired farmers now paying a 15.3 percent self-employment tax on cash rent.

The IRS has gone too far. The law should be what people have counted on for 40 years. Unless there is an act of Congress, history should be respected. The test of time will prove that the taxpayer was right and that the IRS was wrong, particularly now that there is a difference between the farm and city sector. Therefore, we are introducing this bill so that farmers and retired farmers will not be singled out unfairly by the IRS.

Specifically, this legislation would remove the code's ambiguity and recapture its original intent. The legislation would clarify that when the IRS is applying the self-employment tax to cash rent farm leases, it would limit its applicability to the lease agreement. This is not an expansion of the law of taxpayers. Rather, it would limit the anti taxpayer expansion initiated by the Internal Revenue Service. The tax law does not require cash rent landlords in cities to pay the self-employment tax. Indeed cash rent farm landlords are the only ones required to pay the tax. This is due to a 40-year-old exception that allowed the retired farmers of the late 1950's to become vested in the Social Security system.

The law originally imposed the tax on farm landlords only when their lease agreements with the renters required them to participate in the operation of the farm and in the farming of the land.

Forty years later, the IRS has expanded the application of self-employment tax for farmland owners. The tax court told the IRS that in one particular instant they could look beyond the lease agreement. On this very limited authority, the IRS has expanded one tax court case into national tax policy.

Our legislation will bring fairness between farmer landlords and urban landlords. It will clarify that the IRS should examine only the lease agreement. It would preserve the pre-1996 status quo. It would preserve the historical self-employment tax treatment of farm rental agreements, equating them with landlords in small businesses and commercial properties. The 1957 tax law was designed to benefit retired farmers of that generation so they would qualify for Social Security.

Congress does not intend that farm owners be treated differently from other real estate owners, other than they have been historically. We need clarity provided in our legislation in order to turn back an improper, unilateral, and targeted IRS expansion of settled tax law.

I urge my colleagues to join us in addressing this unfair position taken by the Internal Revenue Service.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Independence Act of 1999".

SEC. 2. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking "an arrangement" and inserting "a lease agreement".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking "an arrangement" and inserting "a lease agreement".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

ADDITIONAL COSPONSORS

S. 174

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 336

At the request of Mr. LEVIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 336, a bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 398

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 398, a bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition

of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 471

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 471, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit on student loan interest deductions.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 486

At the request of Mr. ASHCROFT, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. THURMOND), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 559

At the request of Mr. GRAMM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 559, a bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building."

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, March 10, 1999, in SR-328A at 8 a.m. The purpose of this meeting will be to review the nature of agricultural pro-

duction and financial risk, the role of insurance and futures markets, and what is and what should be the Federal Government's role in helping farmers manage risk.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, March 9, 1999, at 9:30 a.m. in closed session, to receive testimony on U.S. Government policies and programs to combat terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, March 9, 1999, at 10:45 a.m. in open session, to receive testimony on U.S. Government policies and programs to combat terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, at 10 a.m. and 2 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, at 10 a.m. in room 226 of the Senate Hart Office Building to hold a hearing on Interstate Alcohol Sales and the 21st Amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 9, 1999, to conduct a hearing on the International Monetary Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Tuesday, March 9, 1999, at 9:30 a.m. for a hearing on the topic of Deceptive Mailings and Sweepstakes Promotions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MALE HIGH SCHOOL

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Male High School's Championship Football team in Louisville, Kentucky on the occasion of their annual awards banquet.

The Male High School Bulldogs have long held a reputation for excellence in Kentucky and throughout the nation. With the leadership of The Bluegrass State's finest high school football coach, Bobby Redman, it's no wonder the team has gone so far. It is clear to players, parents, coaches and students alike when they see Bobby on the field with his team that his heart and soul are rooted in Bulldogs football. Bobby's marked dedication to his team and his school are admirable, and I'm certain my feelings are shared by the entire Male family.

Tonight I congratulate you, the Male High School football team, on your commitment to excellence both on the field and in the classroom, and thank you for working so hard to continue giving high school football in Louisville an honorable name. Players become great because of their hard work and commitment to themselves and their team. You have each spent countless hours before and after school lifting weights, memorizing plays, and practicing and preparing for games. You have each spent Friday afternoons at pep rallies getting ready for evening games, felt the stress of wanting to play your best and win, and experienced the emotional high as you finally rush the field. You have dedicated your high school careers to Male and to its football team, and my colleagues and I commend you.

Not only is Male High School known for their powerhouse of a football team, most recently leading the Bulldogs to victory as 1998-99 4-A State Champions, but they also are known for their commitment to academic success. Male has been recognized as a National Exemplary School twice in recent years by the United States Department of Education, and has received the Flag of Excellence by the State of Kentucky for consistently high academic achievement. Ninety percent of Male graduates continue their education at colleges and universities, and many of them receive partial or full scholarships to attend. It is commendable that students so profoundly talented on the football field are also concerned about their academic achievements.

I am certain that the legacy of excellence that Male High School football players and coaches have left will continue on, and will encourage and inspire others toward that same goal. On behalf of myself and my colleagues, thank you for your contribution to the Louisville community, the State of Kentucky, and to our great nation. •